WE CLAIM:

1. An isolated nucleic acid having the sequence of SEQ ID NO:1.

2. An isolated nucleic acid comprising a fragment of the sequence of SEQ ID NO:1 wherein said fragment has promoter activity.

3. An isolated nucleic acid having at least 70% sequence identity to the sequence of SEQ ID NO:1 wherein said nucleic acid has promoter activity.

4. An isolated nucleic acid having promoter activity wherein said nucleic acid hybridizes to the sequence of SEQ ID NO:1 under high stringency conditions.

5. A nucleic acid construct comprising an isolated nucleic acid having promoter activity according to any one of claims 1-4 operably linked to a heterologous nucleic acid.

6. The nucleic acid construct of claim 5 further comprising a polyadenylation site at the 3' end of the heterologous nucleic acid.

7. A vector comprising an isolated nucleic acid according to anyone of claims 1-4 and/or a nucleic acid construct according to any one of claims 5-6.

8. A plant cell comprising a nucleic acid construct according to any one of claims 5-6.

9. A transgenic plant or the progeny thereof comprising a nucleic acid construct according to any one of claims 5-6 or a plant cell according to claim 8.

10. The transgenic plant of claim 9 wherein the plant is selected from the group consisting of a monocotyledonous plant and a dicotyledonous plant.

11. The transgenic plant of claim 10 wherein the plant is a plant selected from the group consisting of cotton, rice, corn, wheat, barley, oat, rye, oil seed rape, potato, soybean, sunflower, sugar cane, sugar beet, alfalfa and banana.